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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,159	09/29/2003	Jianzhu Chen	0492611-0506 (MIT 9926)	1899
24280 7590 12/31/2007 CHOATE, HALL & STEWART LLP TWO INTERNATIONAL PLACE BOSTON, MA 02110			EXAMINER MCGARRY, SEAN	
			ART UNIT 1635	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Responsive Reply

The examiner regrets yet another notice, however, the reply filed on 10/04/07 is not fully responsive to the restriction requirement mailed 10/10/06 because of the following omission(s) or matter(s): the response still does not identify the claims encompassing the elected invention Applicant has at most identified claims the recite the elected invention. To be clearer, the examiner will provide the following guidance. Applicant is required, as set forth in the restriction requirement mailed 10/10/06, to provide an "identification of the claims encompassing the elected invention". Applicant should, for example indicate whether the elected invention reads on the claims that require the siRNA to "target a region that is highly conserved among a plurality of variants ", on a claim(s) that requires that the portion "is highly conserved among at least 5[10][15] variants"; claims that require the virus to be "influenza A" or influenza "B", claims that require the siRNA to inhibit by at least "2 fold", "5 fold", "50 fold", 100 fold". etc. Applicant is required only to provide those claim numbers that embrace the elected invention and is not required to provide a discussion of the limitations. It is noted that applicant has indicated that the examiner indicated a willingness to treat the set of sequences as a species requirement. The examiner does not recall making this offer, but recalls indicating that if a "linking claim" was found allowable the sequences would be rejoined. Linking claims have been identified in the original restriction requirement. Furthermore it noted that new claim 201 is not a linking claim. A linking claim links inventions that are not separable as claimed. Claim 201 can be restricted

without inhibiting applicant from claiming what they consider to be their invention. claim1, on the other hand encompasses the inventions of claim 201, but itself is not restrictable and is a linking claim. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Since this application has been granted special status under the accelerated examination program, **NO** extensions of time under 37 CFR 1.136(a) will be permitted.

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Sean R. McGarry/ whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sean R McGarry/
Primary Examiner
Art Unit 1635